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REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION

COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

Special report of the Special Committee on Peace-keeping Operations

Rapporteur: Mr. Ehab Fawzy

1. In addition to its annual session, held between 24 April and 1 June 1992, the Special Committee on Peace-keeping Operations met on 17 August 1992 and decided to hold additional discussions focusing on the report of the Secretary-General entitled "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping" (A/47/277-S/24111), and to prepare, based on the discussions to take place, a special report of the Special Committee.

2. In deciding to convene for this purpose, the Special Committee recalled that, in the part of its report (A/47/253) containing the conclusions and recommendations adopted on 1 June 1992, it welcomed the increasing recognition of the role of the United Nations in the areas of preventive diplomacy, peacemaking and peace-keeping. On the same report, the Special Committee further stated that it looked forward to the report of the Secretary-General on the ways of strengthening the capacity of the United Nations for preventive diplomacy, peacemaking and peace-keeping within the framework and provisions of the Charter of the United Nations, as requested by the Security Council Summit of Heads of State and Government held on 31 January 1992.

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* A/47/150.

3. The Special Committee further recalled General Assembly resolution 46/48 of 9 December 1991, in which the Assembly recognized that peace-keeping operations were an evolving concept calling for increased attention and ongoing evaluation by Member States, in conformity with the purposes and principles of the Charter. In the same resolution, the Special Committee was urged, in accordance with its mandate, to continue its efforts for a comprehensive review of the whole question of peace-keeping operations in all their aspects, with a view to strengthening the role of the United Nations in this field.

4. In convening for the additional discussions, the Special Committee was mindful of the fact that, in accordance with the calendar of conferences and meetings of the United Nations for 1992-1993, as adopted by the General Assembly in its resolution 46/190 of 20 December 1991, the Special Committee was entitled to meet on an "as required" basis with exact timing determined in accordance with the availability of services and facilities.

5. Elected for a term of one year at its 104th meeting, on 24 April 1992, the Bureau of the Special Committee served in the same composition as follows: Mr. Ibrahim A. Gambari (Nigeria), as Chairman; Mr. Alejandro Hector Nieto (Argentina), Mr. Philippe Kirsch (Canada), Mr. Shigeki Sumi (Japan) and Mr. Robert Mroziewicz (Poland), as Vice-Chairmen; and Mr. Ehab Fawzy (Egypt), as Rapporteur.

6. At its 110th meeting, on 17 August 1992, the Special Committee decided to grant, in accordance with paragraph 36 of General Assembly resolution 46/48, observer status to those States which participated as observers in the previous meetings of the Special Committee and its open-ended Working Group, held between 24 April and 1 June 1992. Those observers were: Belgium, Brazil, Bulgaria, Colombia, Cyprus, Fiji, Finland, Greece, Iran (Islamic Republic of), Ireland, Libyan Arab Jamahiriya, Malaysia, Nepal, New Zealand, Norway, Peru, Portugal, Republic of Korea, Senegal, Sweden, Tunisia, Turkey, Ukraine and Uruguay, as well as the Permanent Observer of Switzerland. In addition, the Special Committee granted observer status to Azerbaijan, Chile and Cuba at their request.

7. The Special Committee held two meetings of its open-ended Working Group on 18 August 1992.

8. The Working Group embarked on the discussions based on a common understanding that the debate would be limited to a general exchange of views on the report of the Secretary-General (A/47/277-S/24111) without drafting a set of conclusions and recommendations. Stressing the need for further careful analysis and consideration of the report, most delegations stated that, at this time, they were only expressing their preliminary views on the report, primarily those ideas related to the mandate of the Special Committee. Several delegations underlined the importance of the preliminary exchange of views on the report in the Special Committee in its capacity as a subsidiary body of the General Assembly. Many delegations also stated that they looked forward to fruitful discussions on the report in the General

Assembly, at its forty-seventh session, and in the Security Council and other relevant United Nations organs and bodies. Some delegations felt that discussions on the report during the general debate of the Assembly would provide an important input for its consideration in other forums. Finally, it was stated that not everyone was prepared to comment substantively on the report in view of the incomplete state of the internal review being conducted by some Governments, and in view of the desirability of its initial consideration by other forums.

9. During the discussions, delegations were unanimous in welcoming and appreciating the report of the Secretary-General which, in their view, was a valuable and timely contribution aiming at strengthening the role of the United Nations in the maintenance of international peace and security. The report, they acknowledged, was a comprehensive effort by the Secretary-General to relate the policy and practice of United Nations preventive diplomacy, peacemaking and peace-keeping to the changing nature of political and security challenges in the contemporary world. As such, it contained some bold, innovative and thought-provoking recommendations on a wide range of aspects of the mandate of the Organization in the field of the maintenance of international peace and security. It was the belief of some delegations that those recommendations merit very careful and thorough consideration not only by the Security Council but also by the General Assembly and its subsidiary organs, in particular the Special Committee on Peace-keeping Operations, as well as other United Nations organs and bodies, as some of the recommendations in the report had a direct bearing on their respective mandates.

10. Before commencing discussions on specific points in the report of the Secretary-General, some delegations expressed their full support for the integrated approach taken by the Secretary-General regarding the maintenance of international peace and security. They shared the belief underlying the Secretary-General's report that peace could not be safeguarded merely through a narrow perspective confined to military issues. For them, the maintenance of international peace and security was a much wider concept, encompassing political as well as economic, social, humanitarian and environmental issues. According to those delegations, it was incumbent upon the United Nations to ensure success in all these fields, with particular attention devoted to the requirements and problems of developing countries.

11. Furthermore, some delegations fully shared the view with the Secretary-General that all organs of the United Nations must be accorded and play their full and proper role, and that the General Assembly, like the Security Council and the Secretary-General, also had an important role assigned to it under the Charter for the maintenance of international peace and security. Maintaining that issues on international peace and security needed to be approached in an integrated and balanced manner so that each United Nations organ played the due role accorded to it under the Charter, they stressed the need for greater communication and dialogue between the Security Council and the General Assembly in the field of international peace and security. Also stressed by those delegations was the need for enhanced transparency in the Council's deliberative and decision-making process, the

need for more effective consultations with Member States that were not members of the Council, and the need for the Council to listen to the wider membership of the United Nations.

12. Moreover, some delegations endorsed the view of the Secretary-General that, in addressing various problems on the maintenance of international peace and security, "the principles of the Charter must be applied consistently, not selectively, for if the perception should be of the latter, trust would wane and with it the moral authority which was the greatest and most unique quality of that instrument". They believed that the ability of the United Nations to prevent and settle conflicts and preserve international peace was to a large degree dependent on the credibility of the principles of the Charter. This fundamental rule should govern the deliberations and decisions of the United Nations, in particular the Security Council.

13. During the discussions, agreement was expressed with the thesis contained in the report of the Secretary-General that, now that countries and peoples were increasingly appealing to the United Nations for assistance in order to maintain peace, fundamental decisions should be taken aimed at strengthening the peacemaking potential of the Organization. In this connection, a view was expressed that further consideration of a declaration on United Nations peace-keeping operations in the Special Committee would give tangible impetus to the further development of these operations, at the global, regional and subregional levels.

14. Some delegations were of the view that the recommendations made by the Secretary-General on preventive diplomacy, including those relating to information gathering and reporting by other United Nations agencies and organs, merit careful and serious examination by the competent organs and bodies of the United Nations. Some delegations expressed support for these recommendations. They agreed with the Secretary-General that the timely provision of more accurate and adequate information to the United Nations system and the strengthening of its information gathering and analysis capacity were essential preconditions for the greater use of preventive diplomacy. They further suggested that the United Nations should rationalize and enhance its capability to collect, analyse and disseminate information on current and potential threats to international peace and security. To that end, they believed that an operative link must be established between the collection and analysis of information and the carrying out of possible subsequent action by the Secretary-General and the Security Council.

15. A number of delegations also suggested that the Secretary-General should be encouraged to exercise more often his responsibilities under Article 99 of the Charter. At this juncture, many delegations endorsed the greater use of fact-finding missions, as proposed in the Secretary-General's report.

16. Some delegations proposed, in this context, that the possibility of dispatching fact-finding missions without the consent of all relevant parties should be explored, bearing in mind the provisions of the Charter. However, some delegations made it clear that, in their view, the consent of all parties concerned was a prerequisite for the dispatch of such a mission.

17. Interest was shown by some delegations in the Secretary-General's suggestion that preventive deployment of peace-keeping troops might take place to deter aggression or conflict between States, possibly involving deployment to only one side of an international boundary and thus without the consent of all the parties concerned. The debate on this issue exhibited contrasting views by delegations.

18. Some delegations indicated that the suggestion was a valid idea worth serious consideration. While acknowledging that there might be difficulties with the timing of the dispatch of such troops in a given crisis, they held that preventive deployment of peace-keeping forces might be a good idea to be drawn upon on a case-by-case basis.

19. However, a cautious approach was advised by other delegations to the proposed idea of preventive peace-keeping operations which, in their view, went far beyond the traditional principle of peace-keeping operations. They pointed to the danger that such deployment on one side of the line of conflict, possibly in the absence of the consent of all the parties to a potential conflict, might well jeopardize the neutrality of the United Nations.

20. Furthermore, some delegations noted that preventive deployment might prove to be a resource-intensive and costly exercise, particularly if it were not time-bound. They suggested in this respect that any preventive deployment of peace-keeping operations should be clearly limited, in advance, by specific time-frames and objectives and should be supported by a very active programme of preventive diplomacy.

21. Those delegations with some reservations about the idea of preventive peace-keeping deployment expressed the strong belief that the main principles of peace-keeping, having been developed and established in the course of the Organization's past experiences, had a validity not only for the peace-keeping operations of today, but for the concept of such operations in the future. Those principles, such as the maintenance of cease-fire, the consent of the conflicting parties to accept the respective operation, non-use of force except for self-defence, and impartiality should remain the key elements for the successful implementation of peace-keeping operations.

22. Some delegations were supportive of the proposal to establish, in certain cases, a demilitarized zone as a preventive measure in advance of conflict. Some delegations felt that the proposal required further examination by the competent bodies of the United Nations.

23. In the view of those delegations, the idea of preventive deployment in the event of an internal crisis, at the request of the Government or all the parties concerned, to help with humanitarian assistance or conciliation should also be followed on a case-by-case basis. Also, some delegations felt that the proposal required further examination by the competent bodies of the United Nations.

24. Doubtful about the merit of expanding the peace-keeping concept into untapped fields, some delegations expressed a deep concern about the possible erosion of a principle regarding the prior consent of all parties concerned, and reiterated that this principle was absolutely essential for deployment of any peace-keeping operations. Those delegations stressed once again the necessity to continue abiding by the principle of obtaining the consent of the parties concerned for any United Nations actions, whether they related to fact-finding missions under the concept of preventive diplomacy or the dispatch of peace-keeping operations. Referring to the relevant parts of the Secretary-General's report, a view was expressed that any abridgement of the State's sovereignty could not be accepted, whether it was on grounds of finding a balance between globalism and nationalism, or on grounds of self-determination.

25. With respect to the principles of peace-keeping operations, some delegations drew particular attention to the definition of peace-keeping operations in the report of the Secretary-General which, in their view, contained a new factor embodied in the wording "hitherto with the consent of all the parties concerned", and noted that the phrase represented a clear departure from the traditional concept and practice of peace-keeping and therefore deserved more elaboration by the Secretary-General.

26. A view was expressed that the structure, composition and mandate of an existing peace-keeping operation should not be altered or changed without a specific decision of the Security Council. Parties to a conflict could not be allowed to unilaterally undermine a peace-keeping operation in disregard of a Security Council decision.

27. Some delegations noted that the Secretary-General placed the entire role of the United Nations in maintaining international peace and security in the context which ranged from preventive diplomacy to the consolidation of peace after the eruption of conflicts. In this context, it was maintained by them that preventive diplomacy, peace-keeping, peacemaking and post-conflict peace-building activities of the United Nations were interdependent and that coordination in those areas could be improved and enhanced among the relevant bodies of the United Nations system. However, some delegations were of the view that, although these activities had inter-linkages, they were independent activities within the competence of each United Nations organ and body.

28. Referring to post-conflict peace-building activities of the United Nations, it was also noted that this concept should envisage not only the establishment of various kinds of comprehensive assistance, but should be based on the specific obligations and binding agreements among States and on effective international guarantees and an adequate control mechanism.

29. Touching on the Secretariat units in charge of peace-keeping operations, some delegations viewed as a welcome development the proposed expansion of the Military Adviser's Office. They also welcomed the appointment of a mine-clearing expert. A suggestion was made that the Secretary-General should also appoint specialized advisers on police matters.

30. However, a number of delegations voiced concern that the Secretary-General did not elaborate in his report some of the structural and administrative issues that affected the Secretariat's capacity to manage peace-keeping operations effectively. For instance, they expressed again their hope to see the Field Operations Division integrated with the Department of Peace-keeping Operations in one unit, as an essential way to increase efficiency in the management of peace-keeping operations. Another suggestion was made that the Secretary-General should establish a "situation room" for peace-keeping operations.

31. With regard to the financing of peace-keeping operations, many delegations shared the concern of the Secretary-General with the growing disparity between the ever-rising demand for peace-keeping operations and the financial resources available for them. They were once again in full agreement that for effective functioning of peace-keeping operations, it was ever more imperative for the United Nations to secure a sound financial basis for peace-keeping operations. The key, in the view of delegations, still lay in Member States paying their assessed contributions in full and on time, bearing in mind that this was a matter of collective responsibility for all Member States.

32. Some delegations reiterated that in the light of the political and economic realities, the current special scale of assessment was the only viable mechanism adopted for the financing of peace-keeping operations and therefore should be institutionalized.

33. All delegations agreed that the proposals on the peace-keeping financing put forth in the report merit further detailed study by the competent financial bodies of the United Nations. Several delegations expressed their support for specific proposals of the Secretary-General in this regard, including the establishment of a revolving peace-keeping reserve fund at a level of US$ 50 million, provided that its purposes were clearly stated and related to peace-keeping operations, and further that contributions to the fund were made by Member States of the United Nations.

34. Some delegations noted that the report of the Secretary-General enumerated a whole range of proposals designed to strengthen the financial basis of peace-keeping operations, which, in their view, did not exclude a possibility to borrow resources from the private sector and a certain degree of commercial freedom of the Organization in this field. However, reservations were made by other delegations who believed that, although alternative sources of funding for peace-keeping operations should be examined, they should not be considered as a substitute for assessed contributions. They suggested further examination of the proposals by the competent bodies of the United Nations.

35. Some delegations shared the Secretary-General's concerns in his report that the lack of proper equipment could delay the start-up phase of an operation. To improve the situation, some of them supported in principle the stockpiling of equipment, while others commend the idea in the report that

Member States should keep appropriate equipment on stand-by for use by the United Nations.

36. Stressing the need to develop a framework for a joint training programme for future peace-keeping operations, a number of delegations took note with appreciation of the steps taken by the Secretary-General in starting to implement the recommendations by the Special Committee in this regard. They support his recommendation that arrangements for training of peace-keeping personnel should be reviewed and improved, using the varied capabilities of Member States, non-governmental organizations and the facilities of the Secretariat. However, some delegations expressed the view that peace-keeping operations were the collective responsibilities of Member States, and therefore that Member States should play a primary role in the training of peace-keeping personnel.

37. To increase the readiness of the United Nations to launch peacemaking activities, it was proposed that contributions by Member States to the establishment of a stand-by pool of qualified personnel in the fields of electoral assistance, civil administration and human rights might be helpful. A suggestion was also made that the concept of the present questionnaire on the availability of military personnel and equipment should also be applied to non-military resources for peace-keeping operations, including civilian police, election monitors and non-military equipment.

38. Some delegations maintained that, in order to enhance his peacemaking capability, the Secretary-General should be provided with the necessary political support as well as adequate resources. A proposal was made that an evaluation mechanism should be developed within the Secretariat with the purpose of systematically collecting, analysing and retaining experience gained from peacemaking activities.

39. Recommendations of the Secretary-General concerning the use of military force drew serious attention from delegations. Interest was shown by some delegations in the proposed establishment of peace enforcement units which, in the view of delegations, fell somewhere between the traditional peace-keeping role and the use of force as envisioned under Article 43 of the Charter. Some delegations noted that the proposal was worth serious consideration.

40. However, a number of potential problems of the proposed peace enforcement units were pointed out. First, those units would inevitably have to take sides in any dispute and thus call into question the neutral role of the original United Nations force that might have been on the ground as a result of the cease-fire in the first place. The second problem related to their rapid availability as it might prove to be hard to satisfy in a tight time-frame the terms of reference and other specific criteria set for them. Thirdly, there might be reluctance on the part of Member States to hold their national forces on call for unknown but certainly hazardous and politically sensitive tasks. Finally, there was a question of the capacity of the Secretary-General and his staff to command and control such units in action in the field.

41. Furthermore, a delegation expressed the concern that the discussion of Article 43 concerning forces and the proposed peace enforcement units under the heading of peacemaking in the Secretary-General's report might lead to confusion among Member States, stating that it was useful to maintain a clear distinction between the concepts of peacemaking, peace-keeping and peace enforcement.

42. Clear support was expressed by some delegations for the possible use of measures under Chapter VII of the United Nations Charter, provided that conditions warranted such measures and that the establishment of United Nations forces and their mandate were clear and based strictly on the provisions of the Charter. They also endorsed the recommendation of the Secretary-General that the Security Council initiate negotiation with Member States to reach agreements with the United Nations under Article 43 of the Charter to make available armed forces, assistance and facilities necessary to maintain international peace and security. A point was made that it was necessary for the Security Council to present clear and firm guidance on this recommendation.

43. However, some delegations expressed reservations in this regard and maintained that measures under Chapter VII of the Charter should only be envisaged as a last resort and only after having exhausted provisions of Chapter VI. Some delegations emphasized that Member States should be on guard against a tendency of overemphasizing the military solution by the United Nations in disregard of the reality of the conflict, for it would not be helpful in solving real problems. One delegation went further by stating that on the proposed establishment of military forces under Chapter VII of the Charter, the report of the Secretary-General offered an interpretation of the Chapter which might contradict its spirit. The creation of permanent armed forces, in the view of that delegation, did not seem to be in full conformity with the sense and meaning of the norms embodied in the Charter.

44. Some delegations noted with satisfaction that a major theme in the Secretary-General's report was the role that could be played by regional organizations in maintaining international peace and security. They considered that in many conflict situations, a bigger and more effective role could be played by the relevant regional organizations in coordination with the United Nations.

45. During the discussions, attention was drawn to the efforts of the Commonwealth of Independent States to establish, in accordance with standards of the United Nations, a solid political and legal basis for the establishment and maintenance of peace-keeping operations for the Commonwealth. A view was expressed that the concept of peace-keeping operations in the Commonwealth of Independent States reflected some of the ideas which had been expressed in the report of the Secretary-General, in particular the idea of using these operations not only in the traditional framework but also to restore peace through armed pressure if needed, on uncontrolled military formations.

46. Some delegations, noting the advantages of the universality of peace-keeping operations, expressed doubt about the idea contained in paragraph 44 of the present report, stating that it was still premature to expect every regional arrangement or organization to play an active role for regional peace and security. They also emphasized that cooperation between regional organizations and the United Nations must be carried out strictly in accordance with Chapter VIII of the Charter so as not to dilute the role of the United Nations in fulfilling its basic responsibilities in any manner.

47. Some delegations appreciated the proposal of the Secretary-General for devising, in addition to those envisaged under Article 50 of the Charter, measures which could insulate States from special economic difficulties arising from the imposition of economic sanctions imposed on certain States by the United Nations. A suggestion was made that such measures should set in place mechanisms which came into operation immediately and automatically as soon as sanctions were imposed.

48. Sharing the concern of the Secretary-General with the safety of peace-keeping personnel, delegations noted with appreciation his evaluation that, as the variety and scale of threat to peace-keeping operations widened, innovative measures would be required to deal with the dangers facing peace-keeping personnel. A point was made that the time had come to explore the possibility of drafting an international legal instrument on ensuring the safety of United Nations peace-keeping personnel, which would hold host States, as well as other parties to the conflict, responsible for the use of force against peace-keepers.

49. Many delegations indicated their support for the recommendation in the report that greater use be made of the International Court of Justice for the settlement of international conflicts. Such action would be helpful, in their view, if the jurisdiction of the Court was more widely accepted by Member States. While acknowledging that the recourse to the jurisdiction of the International Court of Justice was a highly useful mechanism in resolving disputes in a peaceful manner, a view was expressed that such recourse to the Court should be considered on a case-by-case and voluntary basis.

50. The open-ended Working Group completed a draft special report at its meeting on 24 August 1992 and submitted the draft to the Special Committee.

51. At its 111th meeting, on 25 August 1992, the Special Committee considered and adopted its special report to the forty-seventh session of the General Assembly.